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106 WEST VINE STREET  
LEXINGTON, KENTUCKY 40507

RECEIVED

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K.R.E.F.

August 2, 2004

Ms. Jan Hines  
Kentucky Registry of Election Finance  
140 Walnut Street  
Frankfort, Kentucky 40601-3240

Re: John W. Hampton  
Primary Filer No. 143507

Dear Jan,

Thank you for your letter dated July 28, 2004. (Copy attached) Per your request, I am writing to request an advisory opinion from the Kentucky Registry of Election Finance regarding the replacement of erroneous corporate contributions.

FACTS:

As treasury of John Hampton's campaign for state representative (76<sup>th</sup> district), I opened a checking account at Fifth Third Bank in the name of the campaign on January 27, 2004. At that time, a check was written out of my company's bank account for John's first political contribution in the amount of \$500.00. My company is a Kentucky professional service corporation formed on January 6, 1997 and I am the sole owner and shareholder. The name of the Fifth Third bank account is "James E. Addleton, PSC". It was my intention at the time, and still is my intention, that this contribution be an individual contribution even though the check was inadvertently written from my company account.

On May 6, 2004, a second check for \$500.00 was written from my company account to the John Hampton campaign. Again, my intention was to make an individual contribution even though the check was inadvertently written from my company account. These contribution were reported as individual contributions in the 32 Day Pre-Primary and 15 Day Post-Primary Election Finance Statements.

During July, 2004, I realized that these contributions could be a potential problem and contacted, by telephone, Mr. George Baker of your office for direction. At Mr. Baker's advice, \$1,000.00 was refunded to me from the campaign bank account on July 19, 2004.

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ANALYSIS & REQUEST:

The first question is may a candidate accept a contribution from his treasurer's professional service corporation when the treasurer is the sole owner and shareholder of the corporation? Although no reliance is implied, for your information I have attached a copy of advisory opinion 93-006 which states that a candidate, who is sole owner and shareholder of a personal service corporation may accept contributions from his or her personal service corporation.

If the first question is answered in the negative, the second question is; may replacement checks, with the same dates and amounts as the original checks, written from my individual checking account, be accepted by the candidate and considered to be primary contributions? As stated above, it was always my intention to make primary contributions as an individual. The replacement checks would simply be a documentation of my original intention.

Amended primary reports reflecting appropriate corrections will be filed when a final determination is made with regard to the above questions. Your favorable determination with regard to the above requests and guidance in filing amended primary reports will be greatly appreciated.

Very truly yours,

  
J. E. Addleton, CPA

cc: Mr. John Hampton  
336 Cochran Road  
Lexington, Kentucky 40502

Mr. Bobby Clue  
3900 Crosby Drive, Apt. 816  
Lexington, Kentucky 40515